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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT

12 HELEN and MARTIN YACK on) CASE NO. CV07-5858-PJH
13 behalf of themselves and all others) *[Case Assigned to the Hon. Phyllis J.*
14 similarly situated,) *Hamilton, Courtroom 3]*
15)
16 Plaintiffs,) [PROPOSED] ORDER GRANTING
17) MOTION TO DISMISS OF
18 vs.) DEFENDANT COUNTY OF LOS
19) ANGELES SHERIFF'S DEPARTMENT
20 WASHINGTON MUTUAL INC.,)
21 SUNLAN-020105, LLC;)
22 SHERIFF'S DEPARTMENT,) DATE: June 25, 2008
23 COUNTY OF LOS ANGELES,) TIME: 9:00 a.m.
24 CALIFORNIA; CLERK'S OFFICE,) CTRM: 3
25 COUNTY OF BUTTE,)
26 CALIFORNIA; and DOES 1-10,) Complaint Filed: November 19, 2007
27)
28 Defendants.) TRIAL DATE: None
)

25 Defendant COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT's
26 Motion to Dismiss came on for hearing before this Court on June 25, 2008 at 9:00
27 a.m. Having considered the papers and arguments presented by the parties, and good
28 cause appearing, the motion is GRANTED.

GDC\LA\6836\MTN TO DISMISS (PROPOSED ORDER).DOC

1 IT IS HEREBY ORDERED THAT pursuant to Federal Rules of Civil
2 Procedure 12(b)(1), 12(h)(3), and 12(b)(6), Defendant COUNTY OF LOS ANGELES
3 SHERIFF'S DEPARTMENT is hereby dismissed with prejudice from this action.
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5 **IT IS SO ORDERED.**
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7 **DATED:** _____
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9 The Honorable Phyllis J. Hamilton
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PROOF OF SERVICE
(CCP §§ 1013(a) and 2015.5)

State of California,)
) ss.
County of Los Angeles)

I am employed in the County of ☒ **Los Angeles** ☐ **Orange**, State of California.
I am over the age of 18 and not a party to the within action; my business address is:

- ☒ 1100 El Centro Street, Post Office Box 250, South Pasadena, California 91030.
☐ 620 Newport Center Drive, Suite 200, Newport Beach, CA 92660-8002

On this date, I served the foregoing document described as **[PROPOSED] ORDER RE NOTICE OF MOTION AND MOTION TO DISMISS OF DEFENDANT COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT [F.R.CIV.P 12(b)(6)]** on the interested parties in this action by placing same in a sealed envelope, addressed as follows:

SEE ATTACHED SERVICE LIST

- ☐ **(BY MAIL)** - I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail in **South Pasadena/Newport Beach**, California. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at: **South Pasadena/Newport Beach**, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☐ **(BY CERTIFIED MAIL)** - I caused such envelope(s) with postage thereon fully prepaid via Certified Mail Return Receipt Requested to be placed in the United States Mail in **South Pasadena**, California.
- ☐ **BY EXPRESS MAIL OR ANOTHER METHOD OF DELIVERY PROVIDING FOR OVERNIGHT DELIVERY**
- ☒ **(BY ELECTRONIC FILING AND/OR SERVICE)** - I served a true copy, with all exhibits, electronically on designated recipients listed on the attached Service List.
- ☐ **FEDERAL EXPRESS** - I caused the envelope to be delivered to an authorized courier or driver authorized to receive documents with delivery fees provided for.
- ☐ **(BY FACSIMILE)** - I caused the above-described document(s) to be transmitted to the offices of the interested parties at the facsimile number(s) indicated on the attached Service List and the activity report(s) generated by facsimile number **(626)243-1111 (So. Pasadena) or (949) 718-4801 (Newport Beach)** indicated all pages were transmitted.
- ☐ **(BY PERSONAL SERVICE)** - I caused such envelope(s) to be delivered by hand to the office(s) of the addressee(s).
- Executed on **May 7, 2008** at: **South Pasadena/Newport Beach**, California.
- ☐ **(STATE)** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- ☒ **(FEDERAL)** - I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

VERONICA CHAVEZ

YACK v. COUNTY OF LOS ANGELES, et al.
USDC Case No. 07-5858-PJH
Our File No. 16836

SERVICE LIST

Dean D. Paik, Esq.
COHEN & PAIK LLP
300 Montgomery Street, Suite 660
San Francisco, CA 94104
(415) 398-3900 – FAX: (415) 398-7500
ATTORNEYS FOR PLAINTIFFS

Paul S. Grobman, Esq.
555 Fifth Avenue, 17th Floor
New York, NY 10017
(212) 983-5880 – FAX: (212) 682-7060
ATTORNEYS FOR PLAINTIFFS

James F. McCabe, Esq.
Adriano Hrvatin, Esq.
Sarah E. Griswold, Esq.
MORRISON & FOERSTER, LLP
425 Market Street
San Francisco, CA 94105
(415) 268-7000 – FAX: (415) 268-7522
**ATTORNEYS FOR DEFENDANT, WASHINGTON
MUTUAL BANK**